

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Councilmember District 1
CHUCK ENGELKEN
Councilmember District 2



DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Mayor Pro-Tem
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Councilmember District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE DECEMBER 11, 2017

The City Council of the City of La Porte met in a regular meeting on **Monday, December 11, 2017**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Ojeda, J. Martin, K. Martin, Kaminski, Zemanek, Leonard, Engelken, and Earp. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, Assistant City Manager Jason Weeks and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by Assistant City Attorney Clark Askins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Jay Martin.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition – City of La Porte Emergency Medical Services (EMS) – Silver Plus Achievement Award – Mayor Rigby

Mayor Rigby recognized the Emergency Medical Services Department for receiving the Silver Plus Achievement Award.

- (b) Recognition – Employee of the Third Quarter 2017 – Larry Villarreal (Equipment Operator II) City of La Porte Public Works Department – Mayor Rigby

Mayor Rigby recognized Equipment Operator II Larry Villarreal as Employee of the Third Quarter 2017.

5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Philip Dunn, 701 San Jacinto St., addressed Council regarding the last meeting in November when the Dangerous Building item was discussed and questioned comments from Council that were made during the discussion.

Chuck and Jane Rosa, 812 S. Virginia, addressed Council and expressed gratitude for the Christmas lights and nativity scene displayed in the City.

Bobby Murray, 10303 Rustic Rock Rd., addressed Council regarding a dog he adopted with heartworms from the La Porte Animal Shelter and requested the animals be tested for diseases before being released for adoption.

Paul Larson, 200 N. 4th St., addressed Council and informed he has a permit for 621 W. Main, thanked Council for allowing additional time to obtain the permit and requested Council implement the International Code instead of the Uniform Plumbing and Mechanical Code.

6. CONSENT AGENDA *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*

- (a) Consider approval or other action regarding the minutes of the meeting held on November 13, 2017– P. Fogarty
- (b) Consider approval or other action to reject Bid #18003 for Temporary Labor Services – Solid Waste Worker – C. Daeumer
- (c) Consider approval or other action to purchase Neptune meters from sole source supplier Core and Main – M. Dolby
- (d) Consider approval or other action regarding a Resolution authorizing and approving a grant from the Office of the Governor of Texas for the Fiscal Year 2017 Urban Area Security Initiative (UASI), Homeland Security Grant Program, Grant No. 3416801, for the City of La Porte Emergency Operation Center (EOC) Audio/Visual Equipment Replacement Project – K. Gauthier
- (e) Consider approval or other action authorizing Staff to accept quote from T.F. Harper & Associates LP in the amount of \$67,680.00 for purchase and installation of shade structures and concrete pads at the Little Cedar Bayou Wave Pool, under Texas Buy Board Contract No. 512-16 - R. Epting
- (f) Consider approval or other action authorizing Staff to accept the quote from Texas Sports Equipment in the amount of \$52,086.00 for purchase and installation of bleachers and basketball backboards for the City of La Porte Recreation & Fitness Center, under Texas Buy Board No. 502-16 – R. Epting

Consent Items E and F were pulled for questions. Parks and Recreations Director Rosalyn Epting answered the questions.

Councilmember Engelken made a motion to approve Consent Agenda Items pursuant to staff recommendations. Councilmember Kristin Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

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| Ayes: | Mayor Rigby, Councilmembers Leonard, Engelken, Ojeda, Zemanek, Kaminski, Earp, J. Martin, and K. Martin |
| Nays: | None |
| Absent: | None |

Item 9 (a) was taken at this time and Councilmember Earp left the table due to a conflict of interest. See Discussion and possible action below. Item No. 9

7. PUBLIC HEARING AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit # 17-91000005 to allow for development of a Master Planned Residential Community in a Planned Unit Development (PUD) Zoning District; and consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106, by granting Special Conditional Use Permit #17-91000005 to allow for the development of a Master Planned

Residential Community in a Planned Unit Development (PUD) Zoning District, for a 235-acre tract of land and being a portion of a 485.14-acre tract in the Richard Pearsall Survey, A-265, La Porte, Harris County, Texas.

The public hearing opened at 6:51 p.m.

City Planner Ian Clowes presented a summary regarding a recommendation by the Planning and Zoning Commission to approve a Special Conditional Use Permit Request #17-91000005, to allow for development of a Master Planned Residential Community in a Planned Unit Development (PUD) Zoning District.

Chuck Rosa, 812 S. Virginia St., spoke in opposition of a Special Conditional Use Permit Request allowing for development of a Master Planned Residential Community in a Planned Unit Development (PUD) Zoning District.

Paul Grohman spoke and provided additional information on the development and commented the permit is consistent with the City of La Porte's Comprehensive Plan.

There being no further public comments, the public hearing closed at 7:22 p.m.

Councilmember Zemanek made a motion to accept the Planning and Zoning Commission's recommendation to approve an Ordinance amending Chapter 106, "Zoning" of the Code of Ordinances of the City of La Porte, by granting Special Conditional Use Permit #17-91000005, to allow for development of a Master Planned Residential Community in a Planned Unit Development (PUD) Zoning District. Councilmember Kaminski seconded. **MOTION PASSED 7/1.**

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| Ayes: | Mayor Rigby, Councilmembers Ojeda, Engelken, Zemanek, Kaminski, J. Martin, and K. Martin |
| Nays: | Councilmember Leonard |
| Abstain: | Councilmember Earp |

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3687**: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 17-91000005, TO ALLOW FOR THE DEVELOPMENT OF A MASTER PLANNED RESIDENTIAL COMMUNITY IN A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, FOR A 235 ACRE TRACT OF LAND AND BEING A PORTION OF A 485.14 ACRE TRACT IN THE RICHARD PEARSALL SURVEY, A-265, LA PORTE, HARRIS COUNTY TEXAS, MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

- (b) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve an Ordinance allowing additional uses to be permitted within the Neighborhood Commercial (NC) Zoning District; and consider approval or other action regarding an Ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte by amending regulations related to certain use classifications in the Neighborhood Commercial "NC" Zoning District – I. Clowes

The public hearing opened at 7:24 p.m.

City Planner Ian Clowes presented a summary regarding a recommendation by the Planning and Zoning Commission to allow additional uses to be permitted within the Neighborhood Commercial (NC) Zoning District.

There being no further public comments, the public hearing closed at 7:25 p.m.

Councilmember Kristin Martin made a motion to accept the Planning and Zoning Commission's recommendation to approve an Ordinance allowing additional uses to be permitted within the

Neighborhood Commercial (NC) Zoning District. Councilmember Zemanek seconded. **MOTION PASSED 8/0.**

Ayes: Mayor Rigby, Councilmembers Ojeda, Engelken, Zemanek, Kaminski, Ojeda, Leonard, J. Martin, and K. Martin
Nays: None
Abstain: Councilmember Earp

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3688**: AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO CERTAIN USE CLASSIFICATIONS IN THE NEIGHBORHOOD COMMERCIAL "NC" ZONING DISTRICT; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE FINED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

8. AUTHORIZATIONS

- A. Consider approval or other action regarding an Ordinance repealing Ordinance 2017-3682, concerning condemnation of the commercial building located on Lots four (4), five (5) and six (6), Block 42, Town of La Porte, Harris County, Texas, more commonly known as 621 W. Main Street; and repealing Ordinance 2017-3682 – R. Mancilla

Planning and Development Director Richard Mancilla presented a summary.

Councilmember Leonard made a motion to approve an Ordinance with completion date of June 1, 2018. Councilmember Earp seconded. **MOTION PASSED 9/0.**

Ayes: Mayor Rigby, Councilmembers Ojeda, Engelken, Zemanek, Kaminski, Earp, Leonard, J. Martin, and K. Martin
Nays: None
Abstain: None

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3689**: AN ORDINANCE REPEALING ORDINANCE 2017-3682, CONCERNING CONDEMNATION OF THE COMMERCIAL BUILDING LOCATED ON LOTS FOUR (4), FIVE (5) and SIX (6), BLOCK 42, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 621 W. MAIN STREET; AND REPEALING ORDINANCE 2017-3686; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

9. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding Petition for Consent to the Creation of a Municipal Utility District (MUD) and associated utility agreement – C. Alexander

Councilmember Danny Earp left the table due to a conflict of interest.

City Manager Corby Alexander presented a summary.

Councilmember Zemanek made a motion to consent to the Creation of a Municipal Utility District (MUD) and associated utility agreement. Councilmember Jay Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 7/1.**

Ayes: Mayor Rigby, Councilmembers Engelken, Ojeda, Zemanek, Kaminski, J. Martin, and K. Martin
Nays: Councilmember Leonard
Abstain: Councilmember Earp

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3690: AN ORDINANCE OF THE CITY OF LA PORTE, TEXAS CONSENTING TO AND GRANTING A PETITION FOR THE CREATION OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 561, A MUNICIPAL UTILITY DISTRICT TO BE LOCATED WITHIN THE BOUNDARIES OF THE CITY OF AL PORTE, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS A 234.686 ACRE TRACT OF LAND SITUATED IN THE RICHARD PEARSALL SURVEY, ABSTRACT NO. 265, HARRIS COUNTY, TEXAS; APPROVING A UTILITY AGREEMENT BY AND BETWEEN THE CITY OF LA PORTE, TEXAS AND BEAZER HOMES TEXAS, LP., ON BEHALF OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO 561; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; CONTAINING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

- (b) Discussion a possible action regarding appointment of a City Council subcommittee to review and make recommendations for annual evaluation forms as determined by the committee – Mayor Rigby

Mayor Rigby presented a summary.

Councilmember Earp made a motion to form a subcommittee to make recommendations for annual evaluation forms consisting of Councilmembers Earp, K. Martin and Engelken as Chairman Councilmember Zemanek seconded. **MOTION PASSED 9/0.**

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| Ayes: | Mayor Rigby, Councilmembers Ojeda, Engelken, Zemanek, Kaminski, Earp, Leonard, J. Martin, and K. Martin |
| Nays: | None |
| Abstain: | None |

10. **ADMINISTRATIVE REPORTS**

City Manager Corby Alexander introduced the new Assistant City Manager Jason Weeks.

11. **COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information.

Councilmember Ojeda reported Council the La Porte Development Corporation Board met prior to the City Council meeting and chose a fencing design option along Spencer Highway between Underwood Rd. and Farrington Blvd.

Councilmember Jay Martin welcomed Assistant City Manager Jason Weeks; congratulated the Emergency Medical Services on their award; Larry Villarreal as Employee of the Third Quarter 2017; requested Staff to get back with Mr. Murray regarding his concern with the adoption process at the Animal Shelter and commented how excited he is with the future development of a Master Planned Residential Community.

Councilmember Kristin Martin congratulated the Emergency Medical Services on their award and Larry Villarreal as Employee of the Third Quarter 2017; complimented Staff on the adjustment of scheduling of events for Christmas on Main Street; welcomed Assistant City Manager Jason Weeks and commented she welcomes Beazer Homes again to the City of La Porte.

Councilmember Kaminski congratulated the Emergency Medical Services on their award and Larry Villarreal as Employee of the Third Quarter 2017 and commented Christmas on Main Street was exciting and well attended.

Councilmember Zemanek congratulated the Emergency Medical Services on their award and Larry Villarreal as Employee of the Third Quarter 2017; commented on the children's smiling faces at the parade during Christmas on Main Street and wished everyone a Merry Christmas and a Happy New Year.

Councilmember Leonard congratulated the Emergency Medical Services on their award and Larry Villarreal as Employee of the Third Quarter 2017; commented on an event held on Saturday where animals were spayed and neutered with La Porte High School students volunteering and wished everyone a Merry Christmas.

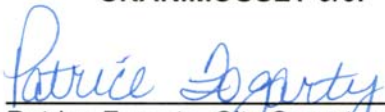
Councilmember Engelken congratulated the Emergency Medical Services on their award and Larry Villarreal as Employee of the Third Quarter 2017; thanked the City for the new sign at the Brookglen Center; complimented the work being done at the baseball fields; welcomed Assistant City Manager Jason Weeks and wished everyone safe and happy holidays.

Councilmember Earp congratulated the Emergency Medical Services on their award and Larry Villarreal as Employee of the Third Quarter 2017; welcomed Assistant City Manager Jason Weeks and wished everyone a Merry Christmas and a Happy New Year.

Councilmember Ojeda thanked Staff for applying for the grant for the Emergency Operation Center; complimented Public Works Director for the write up for Larry Villarreal as Employee of the Third Quarter 2017; thanked Parks and Recreation for all the events; thanked Lighthouse Baptist Church for the delicious fudge and commented she hopes the concern of animals being tested for diseases before being adopted is resolved.

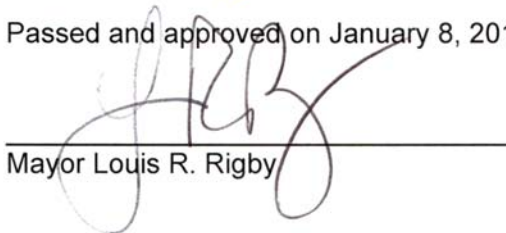
Mayor Rigby congratulated the Emergency Medical Services on their award and Larry Villarreal as Employee of the Third Quarter 2017; thanked Pastor Dunn for the fudge; informed every one of the Bridge Series he attended; commented the Employee Christmas Party was well coordinated and attended; advised of a conference call he and others had with Congressman Babin's in regards to the Heavy Haul Corridor; commented Christmas on Main Street was well attended; welcomed Jason Weeks and reminded Councilmembers to get their iPads upgraded with City Secretary Patrice Fogarty.

12. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:50 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**



Patrice Fogarty, City Secretary

Passed and approved on January 8, 2018.



Mayor Louis R. Rigby